

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

CON-WAY TRANSPORTATION
SERVICES, INC.

PLAINTIFF

v.

Civil No. 06-2171

SPRAY-RITE, INC.

DEFENDANT

JUDGMENT

Now on this 5th day of January, 2007, comes on for consideration plaintiff's **Motion Requesting Entry Of Default Judgment** (document #9), and from said motion, and the other documents filed of record in this matter, the Court finds and orders as follows:

1. On September 28, 2006, plaintiff filed a Complaint seeking \$27,522.54 in past-due transportation charges from defendant, as well as interest thereon, costs, and attorney's fees.

2. On October 6, 2006, plaintiff filed a First Amended Complaint, seeking past-due transportation charges of \$28,758.55, as well as interest, costs, and attorney's fees.

3. Plaintiff shows by Affidavit that defendant's agent for service of process, Lucinda Rusin, was personally served with the Complaint, the First Amended Complaint, and Summons on October 18, 2006.

4. Defendant failed to answer the Complaint or the First Amended Complaint within the time provided by law.

5. On November 28, 2006, the Clerk entered defendant's Default.

6. Plaintiff shows by the Affidavit And Verified Statement Of Account of its Credit and Collections Manager, Wayne King, that it provided transportation services to defendant, for which there is an outstanding balance of \$28,758.55 which, as of December 12, 2006, had accumulated past-due interest in the amount of \$5,556.82; and that plaintiff has incurred attorney's fees in the approximate amount of \$5,000.00 in connection with its attempts to collect this sum.

7. The pending motion, which requests the entry of judgment in the sum of \$39,786.77 (consisting of \$28,758.55 in past-due transportation charges, \$5,556.82 in past-due interest, \$5,000.00 in attorney's fees, and \$471.40 in costs and expenses) was served upon defendant by certified mail on December 12, 2006, and there has been no response or objection to the sums requested.

IT IS THEREFORE ORDERED that plaintiff have and recover from defendant the sum of Thirty-Nine Thousand Seven Hundred Eighty-Six and 77/100 Dollars (\$39,786.77), with interest thereon at the rate of 4.99% per annum from the date of this Judgment until paid, for all of which execution may issue.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE